

UNITED STATES DISTRICT COURT
OF THE DISTRICT OF OREGON
PORTLAND DIVISION

DONALD S. MORRIS, III, as Personal
Representative for the Estate of DONALD S.
MORRIS, JR.,

Plaintiff,

v.

KAISER GYPSUM COMPANY, INC.,

Defendant.

Case No. 20-478

**DECLARATION OF DIANE BABBITT
IN SUPPORT OF KAISER GYPSUM
COMPANY, INC.'S NOTICE OF
REMOVAL**

(28 U.S.C. §1332, 28 U.S.C. §1441(b) and
§1446(a))

I, Diane Babbitt, hereby declare:

1. I am an attorney with Foley & Mansfield, PLLP, counsel of record for Defendant Kaiser Gypsum Company, Inc. I have personal knowledge of the matters contained herein and am competent to testify hereto.

2. Kaiser Gypsum Company, Inc. is incorporated in North Carolina and its principal place of business is in Irving, Texas

3. Attached hereto as **Exhibit A** is a true and accurate copy of the underlying Plaintiff's Complaint filed in Multnomah County Circuit Court.

4. Attached hereto as **Exhibit B** is a true and accurate copy of the Declaration of

Service of the Summons and Complaint for Damages in the underlying matter.

5. Below is an index of all of the pleadings filed in Multnomah County Circuit Court as of March 19, 2020. True and accurate copies of these pleadings are being provided to the Court.

Date	Title	Detail	Note
02/07/2020	Complaint		
02/07/2020	Summons		
02/14/2020	Affidavit/Declaration of Mailing		
02/14/2020	Proof of Service		
02/14/2020	Affidavit/Declaration of Mailing		
02/14/2020	Proof of Service		
02/26/2020	Affidavit/Declaration of Mailing		
02/26/2020	Proof of Service		
02/26/2020	Summons		

The foregoing statements are made under penalty of perjury under the laws of the United States of America and the State of Oregon and is true and correct.

DATED this 23rd day of March, 2020 at Seattle, Washington.

FOLEY & MANSFIELD, PLLP

BY:



Diane C. Babbitt, OR Bar #112915
J. Scott Wood, OSB #117151
Attorneys for Defendant Kaiser Gypsum Company, Inc.

CERTIFICATE OF SERVICE

I, Laura McKeon, declare that I am employed by the law firm of Foley & Mansfield, PLLP, 999 Third Avenue, Suite 3760, Seattle, King County, Washington; that I am over 18 years of age and not a party to this action.

[X] **(By E-Service)** I hereby certify that on this date I electronically filed the foregoing document with the U.S. District Court of Oregon, Portland Division using the CM/ECF system which will send notification to all parties of record; and

[X] **(By E-mail)** I caused the foregoing to be delivered via e-mail to firms and persons whose email addresses are listed next to the name of the party represented as listed below:

Counsel for Plaintiff

Kaitlin T. Wright
SCHROETER, GOLDMARK & BENDER
500 Central Building, 810 Third Avenue
Seattle, WA 98104
wright@sgb-law.com
sgbasbestos@sgb-law.com

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Executed this 23rd day of March, 2020 in Seattle, Washington.



Laura McKeon, Legal Assistant

EXHIBIT A

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4 **IN THE CURCUIT COURT OF THE STATE OF OREGON**
5 **FOR MULTNOMAH COUNTY**

6 DONALD S. MORRIS, III, as Personal
7 Representative for the Estate of DONALD S.
8 MORRIS, JR.,

9 Plaintiff,

10 vs.

11 KAISER GYPSUM COMPANY, INC.,

12 Defendant.
13
14

CASE No.

COMPLAINT FOR DAMAGES

(Product Liability; Negligence)

DEMAND FOR JURY TRIAL

PRAYER AMOUNT: \$9,500,000.00

CLAIM NOT SUBJECT TO
MANDATORY ARBITRATION

ORS 21.160(1)(d)

15 COMES NOW Plaintiff, DONALD S. MORRIS, III, as Personal Representative
16 for the Estate of DONALD S. MORRIS, JR., by and through his attorney, Kaitlin T.
17 Wright of Schroeter Goldmark & Bender, and for their complaint against Defendant,
18 alleges as follows:
19

20 **I. PARTIES**

21 1.1 Plaintiff, DONALD S. MORRIS, III, Personal Representative for the
22 Estate of DONALD S. MORRIS, JR., resides in Gladstone, Oregon. DONALD S.
23

24 COMPLAINT FOR DAMAGES - 1
25

SCHROETER, GOLDMARK & BENDER
500 Central Building • 810 Third Avenue • Seattle, WA 98104
Phone (206) 622-8000 • Fax (206) 682-2305

1 MORRIS, JR., at all times material to this action, was a resident of the State of Oregon. At
2 the time of his death, DONALD S. MORRIS, JR. resided in Salem, Oregon.

3
4 1.2 Defendant KAISER GYPSUM COMPANY, INC. is a North Carolina
5 Corporation that, at all times relevant herein, was engaged in the manufacture and sale of
6 asbestos-containing products, including, but not limited to, joint compound and drywall
7 products, which it intentionally placed into the stream of commerce in the state of Oregon.

8 1.3 Jurisdiction and venue is proper pursuant to ORS 14.040 and ORS 14.080.

9
10 **II. JURISDICTION AND VENUE**

11 2.1 This Court has jurisdiction in this action because, at all material times,
12 Defendant conducted regular and sustained business in Oregon out of which the claims for
13 relief asserted herein arose, and/or Defendant may be served by process in Oregon. By
14 registering to do business in Oregon and by doing business in Oregon or in selling
15 products in Oregon, Defendant has consented to *in personam* jurisdiction in Oregon for
16 claims such as this arising out of its Oregon contacts, and the exercise of jurisdiction
17 herein arises out of asbestos exposure that occurred primarily in Oregon. At all material
18 times, the Defendant has been regularly engaged in the business of manufacturing,
19 designing, processing, marketing, distributing, using, installing, applying, rebranding for
20 sale, and/or selling products containing asbestos fiber, which were used at the locations
21 where decedent DONALD MORRIS JR. worked or lived in Oregon.
22

1 2.2 Venue in this Court is proper because, at all material times, Defendant
2 conducted regular and sustained business activities in Multnomah County, Oregon, and a
3 substantial portion of the actions and omissions alleged herein occurred in Multnomah
4 County, Oregon.
5

6 **III. FIRST CLAIM FOR RELIEF – STRICT LIABILITY**

7 3.1 From 1969 through 1976, decedent DONALD S. MORRIS, JR. performed
8 construction and remodel projects at numerous sites throughout Oregon.
9

10 3.2 As a result of his exposure to Defendant's asbestos-containing products,
11 DONALD S. MORRIS, JR. developed mesothelioma, which was diagnosed in July 2015.

12 3.3 On March 13, 2016, DONALD S. MORRIS, JR. died of mesothelioma.

13 3.4 Defendant's sale or manufacture of asbestos-containing products was
14 unreasonably dangerous and defective in the following particulars:

- 15 (a) The asbestos-containing drywall products manufactured or sold by the
16 Defendant caused cancer when inhaled;
17
18 (b) Defendant's asbestos-containing products released asbestos fibers into the
19 breathing zone of individuals working with or near the product, particularly
20 during routine and anticipated use of the product; and
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22 (c) Defendant did not provide sufficient warnings and/or instructions of the
23 harm caused by exposure to Defendant's asbestos-containing products or
24 adequately notify the public of its products' dangerous propensities.
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IV. SECOND CLAIM FOR RELIEF – NEGLIGENCE

For his second claim for relief, Plaintiff alleges:

4.1 By incorporation paragraphs 1.1 through 3.4 herein;

4.2 Defendant was negligent in one or more of the following particulars which were causes of injury to DONALD S. MORRIS, JR.:

(a) In manufacturing, designing, processing, marketing, distributing, applying and/or selling products containing asbestos fiber when Defendant knew, or should have known, that asbestos fibers cause grave health consequences, including mesothelioma;

(b) In failing to conduct adequate testing to determine the level of airborne asbestos fibers emitted by Defendant's products that it was reasonably foreseeable that individuals such as DONALD S. MORRIS, JR. would be exposed to in the work or home environment; and

(c) In failing to provide adequate warnings about the dangers associated with the use of asbestos products, and in failing to advise individuals about how and when to utilize property respiratory protection.

V. DAMAGES

5.1 DONALD S. MORRIS, JR. suffered permanent pain, discomfort, fear, interference with his daily activities and enjoyment of life, including mental pain and

1 suffering, and death resulting in non-economic damages in the amount of no less than
2 \$7,000,000.00.

3
4 5.2 Plaintiff DONALD S. MORRIS, III suffered the loss of companionship,
5 services, and consortium of his father in the amount of no less than \$2,000,000.

6 5.3 DONALD S. MORRIS, JR. incurred medical expenses in the amount of no
7 less than \$500,000.00.

8 5.4 Pursuant to ORS 31.725(2), Plaintiff does not request an award of punitive
9 damages at this time, but Plaintiff reserves the right to seek leave to amend his complaint
10 to request punitive damages in the future pursuant to Oregon law. Plaintiff anticipates that
11 punitive damages claims will be asserted against the Defendant and may seek leave to
12 amend the complaint in this matter to assert those claims at an appropriate time prior to
13 trial.
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15 **VI. PRAYER FOR RELIEF**

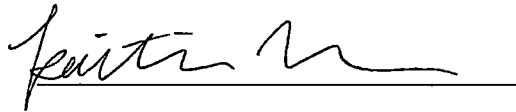
16 WHEREFORE, Plaintiff respectfully requests judgment against Defendant in an
17 amount to be proven at the time of trial, together with Plaintiff's costs and disbursements
18 incurred herein, and:
19

- 20 (a) For DONALD S. MORRIS, JR.'s pain, suffering, interference with his
21 enjoyment of life, disability, and death in the amount of no less than
22 \$7,000,000;
23

- 1 (b) For Plaintiff's loss of companionship, services, and consortium during the
2 lifetime of decedent in the amount of no less than \$2,000,000;
3
4 (c) For DONALD S. MORRIS, JR.'s past medical expenses in the amount of
5 \$500,000 or as amended prior to trial;
6
7 (d) Plaintiff's attorney fees; and
8
9 (d) For such other relief and further relief as the Court may deem just and
10 equitable, including but not limited to prejudgment interest.
11

12 DATED this 6th day of February, 2020

13 Schroeter Goldmark & Bender

14 

15 Kaitlin T. Wright, OSB #191259
16 SCHROETER, GOLDMARK & BENDER
17 500 Central Building, 810 Third Avenue
18 Seattle, WA 98104
19 Phone (206) 622-8000
20 Fax (206) 682-2305
21 Email: wright@sgb-law.com
22 sgbasbestos@sgb-law.com
23 Attorney for Plaintiff
24
25

EXHIBIT B

All Pleadings Filed in Multnomah County

**IN THE CURCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY**

DONALD S. MORRIS, III, as Personal
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MORRIS, JR.,

Plaintiff,

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COMES NOW Plaintiff, DONALD S. MORRIS, III, as Personal Representative
for the Estate of DONALD S. MORRIS, JR., by and through his attorney, Kaitlin T.
Wright of Schroeter Goldmark & Bender, and for their complaint against Defendant,
alleges as follows:

I. PARTIES

1.1 Plaintiff, DONALD S. MORRIS, III, Personal Representative for the
Estate of DONALD S. MORRIS, JR., resides in Gladstone, Oregon. DONALD S.

COMPLAINT FOR DAMAGES - 1

SCHROETER, GOLDMARK & BENDER
500 Central Building • 810 Third Avenue • Seattle, WA 98104
Phone (206) 622-8000 • Fax (206) 682-2305

1 MORRIS, JR., at all times material to this action, was a resident of the State of Oregon. At
2 the time of his death, DONALD S. MORRIS, JR. resided in Salem, Oregon.

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4 1.2 Defendant KAISER GYPSUM COMPANY, INC. is a North Carolina
5 Corporation that, at all times relevant herein, was engaged in the manufacture and sale of
6 asbestos-containing products, including, but not limited to, joint compound and drywall
7 products, which it intentionally placed into the stream of commerce in the state of Oregon.

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10 **II. JURISDICTION AND VENUE**

11 2.1 This Court has jurisdiction in this action because, at all material times,
12 Defendant conducted regular and sustained business in Oregon out of which the claims for
13 relief asserted herein arose, and/or Defendant may be served by process in Oregon. By
14 registering to do business in Oregon and by doing business in Oregon or in selling
15 products in Oregon, Defendant has consented to *in personam* jurisdiction in Oregon for
16 claims such as this arising out of its Oregon contacts, and the exercise of jurisdiction
17 herein arises out of asbestos exposure that occurred primarily in Oregon. At all material
18 times, the Defendant has been regularly engaged in the business of manufacturing,
19 designing, processing, marketing, distributing, using, installing, applying, rebranding for
20 sale, and/or selling products containing asbestos fiber, which were used at the locations
21 where decedent DONALD MORRIS JR. worked or lived in Oregon.

1 2.2 Venue in this Court is proper because, at all material times, Defendant
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3 conducted regular and sustained business activities in Multnomah County, Oregon, and a
4 substantial portion of the actions and omissions alleged herein occurred in Multnomah
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6 **III. FIRST CLAIM FOR RELIEF – STRICT LIABILITY**

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11 3.3 On March 13, 2016, DONALD S. MORRIS, JR. died of mesothelioma.

12 3.4 Defendant's sale or manufacture of asbestos-containing products was
13 unreasonably dangerous and defective in the following particulars:
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15 (a) The asbestos-containing drywall products manufactured or sold by the
16 Defendant caused cancer when inhaled;

17 (b) Defendant's asbestos-containing products released asbestos fibers into the
18 breathing zone of individuals working with or near the product, particularly
19 during routine and anticipated use of the product; and
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21 (c) Defendant did not provide sufficient warnings and/or instructions of the
22 harm caused by exposure to Defendant's asbestos-containing products or
23 adequately notify the public of its products' dangerous propensities.
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- (b) In failing to conduct adequate testing to determine the level of airborne asbestos fibers emitted by Defendant's products that it was reasonably foreseeable that individuals such as DONALD S. MORRIS, JR. would be exposed to in the work or home environment; and
- (c) In failing to provide adequate warnings about the dangers associated with the use of asbestos products, and in failing to advise individuals about how and when to utilize property respiratory protection.

V. DAMAGES

5.1 DONALD S. MORRIS, JR. suffered permanent pain, discomfort, fear, interference with his daily activities and enjoyment of life, including mental pain and

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9 damages at this time, but Plaintiff reserves the right to seek leave to amend his complaint
10 to request punitive damages in the future pursuant to Oregon law. Plaintiff anticipates that
11 punitive damages claims will be asserted against the Defendant and may seek leave to
12 amend the complaint in this matter to assert those claims at an appropriate time prior to
13 trial.
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15 VI. PRAYER FOR RELIEF

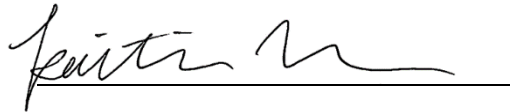
16 WHEREFORE, Plaintiff respectfully requests judgment against Defendant in an
17 amount to be proven at the time of trial, together with Plaintiff's costs and disbursements
18 incurred herein, and:
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- 20 (a) For DONALD S. MORRIS, JR.'s pain, suffering, interference with his
21 enjoyment of life, disability, and death in the amount of no less than
22 \$7,000,000;
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- 1 (b) For Plaintiff's loss of companionship, services, and consortium during the
2 lifetime of decedent in the amount of no less than \$2,000,000;
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4 (c) For DONALD S. MORRIS, JR.'s past medical expenses in the amount of
5 \$500,000 or as amended prior to trial;
6
7 (d) Plaintiff's attorney fees; and
8 (d) For such other relief and further relief as the Court may deem just and
9 equitable, including but not limited to prejudgment interest.
10

11 DATED this 6th day of February, 2020

12 Schroeter Goldmark & Bender

13 
14

15 Kaitlin T. Wright, OSB #191259
16 SCHROETER, GOLDMARK & BENDER
17 500 Central Building, 810 Third Avenue
18 Seattle, WA 98104
19 Phone (206) 622-8000
20 Fax (206) 682-2305
21 Email: wright@sgb-law.com
22 sgbasbestos@sgb-law.com
23 Attorney for Plaintiff
24
25

**IN THE CURCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY**

DONALD S. MORRIS, III, as Personal
Representative for the Estate of DONALD S.
MORRIS, JR.,

Plaintiff,

vs.

KAISER GYPSUM COMPANY, INC.,

Defendant.

CASE No.

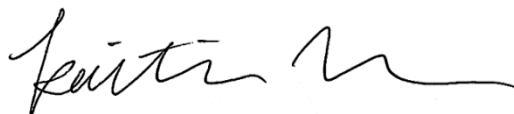
SUMMONS

TO: KAISER GYPSUM COMPANY, INC.
c/o CT Corporation System
780 Commercial St. Ste 100
Salem, OR 97301-3465

NOTICE TO DEFENDANT: READ THESE PAPERS CAREFULLY!

You must “appear” in this case or the other side will win automatically. To “appear” you must file with the court a legal document called a “motion” or “answer.” The “motion” or “answer” must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff’s attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service online at <http://www.oregonstatebar.org> or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636.



SIGNATURE OF ATTORNEY/
AUTHOR FOR PLAINTIFFS

Kaitlin T. Wright OR Bar # 191259
ATTORNEY’S/AUTHOR’S NAME

SCHROETER, GOLDMARK & BENDER
500 Central Building,
810 Third Avenue Seattle, WA 98104
Phone (206) 622-8000 • Fax (206) 682-2305

SUMMMONS - 1

SCHROETER, GOLDMARK & BENDER
500 Central Building • 810 Third Avenue • Seattle, WA 98104
Phone (206) 622-8000 • Fax (206) 682-2305

STATE OF OREGON, County of Multnomah) ss

I, the undersigned attorney of record for the plaintiff, certify that the foregoing is an exact and complete copy of the original summons in the above-entitled action.



ATTORNEY OF RECORD FOR PLAINTIFFS

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS:

You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual or other legal entity to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attached hereto.



ATTORNEY FOR PLAINTIFFS

Kaitlin T. Wright OR Bar # 191259

ATTORNEY'S/AUTHOR'S NAME
SCHROETER, GOLDMARK & BENDER
500 Central Building,
810 Third Avenue
Seattle, WA 98104
Phone (206) 622-8000
Fax (206) 682-2305
Email: wright@sgb-law.com
sgbasbestos@sgb-law.com

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

**DONALD S. MORRIS, III, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF DONALD S.
MORRIS, JR.**

Plaintiff/Petitioner

vs.

KAISER GYPSUM COMPANY, INC.

Defendant/Respondent

Cause No.: **20CV06649**

Hearing Date:

**DECLARATION OF SERVICE OF
SUMMONS; COMPLAINT FOR DAMAGES**

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a resident of the State of North Carolina, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

On the **25th day of February, 2020 at 1:42 PM** at the address of **2626 GLENWOOD AVENUE, SUITE 550, RALIEGH, Wake, NC 27608**; this declarant served the above described documents upon **KAISER GYPSUM COMPANY, INC. c/o CORPORATION SERVICE COMPANY, REGISTERED AGENT**, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with **Heather Hughes , RECEPTIONIST , PERSON AUTHORIZED TO ACCEPT, who accepted service, with identity confirmed by subject stating their name, a white female approx. 45-55 years of age, weighing 160-180 lbs with brown hair..**

No information was provided or discovered that indicates that the subjects served are members of the U.S. military.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Date: 02/25/2020



Sherry Duncan
112 Oregon Trail, Garner, NC 27529 919-321-7878

ORIGINAL DECLARATION
OF SERVICE

Tracking #: **0050686007** PDX FIL

REF: **Morris (Kaiser NC)**



IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

**DONALD S. MORRIS, III, AS PERSONAL
REPRESENTATIVE FOR THE ESTATE OF DONALD S.
MORRIS JR.**

Plaintiff/Petitioner

vs.

KAISER GYPSUM COMPANY, INC.

Defendant/Respondent

Cause No.: **20CV06649**

Hearing Date:

**DECLARATION OF SERVICE OF
SUMMONS; COMPLAINT**

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a resident of the State of Oregon, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

On the **11th day of February, 2020 at 3:04 PM** at the address of **Oregon Department of Justice, 1162 Court St. NE, SALEM, Marion, OR 97301-4096**; this declarant served the above described documents upon **KAISER GYPSUM COMPANY, INC. C/O Attorney General**, by then and there personally delivering **1** true and correct copy(ies) thereof, by then presenting to and leaving the same with **Cheryl Breitenbucher , PSR3 , PERSON AUTHORIZED TO ACCEPT, who accepted service, with identity confirmed by subject saying yes when named, a white female approx. 45-55 years of age, 5'4"-5'6" tall, weighing 120-140 lbs with gray hair.**

No information was provided or discovered that indicates that the subjects served are members of the U.S. military.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Service Fee Total: **\$59.50**

Date: 02/11/2020



Diana Boatwright
33141 Geranium Lane, Tangent, OR 97389 541-979-3872

ORIGINAL DECLARATION
OF SERVICE

Tracking #: **0049974984** PDX FIL

REF: **Morris (OR Dept of Justice)**



IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

**DONALD S. MORRIS, III, AS PERSONAL
REPRESENTATIVE FOR THE ESTATE OF DONALD S.
MORRIS, JR.**

Plaintiff/Petitioner

vs.

KAISER GYPSUM COMPANY, INC.

Defendant/Respondent

Cause No.: **20CV06649**

**DECLARATION OF MAILING OF
SUMMONS; COMPLAINT**

The undersigned hereby declares: that I, Laurice Averill, am a legal resident of the State of Oregon, over the age of 18, and not party to, nor interested in the within entitled action. My business address is 1050 SW 6th Ave #1100, Portland, OR 97204.

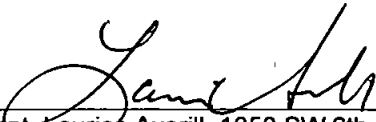
That on **February 12, 2020**, after personal service was made on **February 11, 2020** to **Rylynn Poole**, a **SERVICE OF PROCESS TECHNICIAN**, **PERSON AUTHORIZED TO ACCEPT**, who accepted service, with identity confirmed by subject saying yes when named, a white male approx. 35-45 years of age with blonde hair with glasses, I completed service by depositing a true copy of the **SUMMONS; COMPLAINT**, marked with confirmation of date, time, and place of personal service in the United States mail, by first class mail with proper postage attached.

That I addressed the envelope(s) as follows:

**KAISER GYPSUM COMPANY, INC.
c/o CT CORPORATION SYSTEM, REGISTERED AGENT
780 COMMERCIAL ST SE SUITE 100
SALEM, OR 97301-3465**

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

I executed this declaration on February 12, 2020 at Portland, OR.



Declarant Laurice Averill, 1050 SW 6th Ave #1100, Portland, OR 97204. 503-727-3100.



Tracking #: **0049977749 PDX**



IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

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The undersigned hereby declares: that I, Laurice Averill, am a legal resident of the State of Oregon, over the age of 18, and not party to, nor interested in the within entitled action. My business address is 1050 SW 6th Ave #1100, Portland, OR 97204.

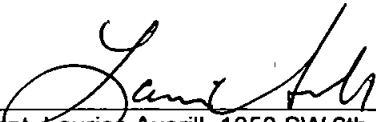
That on **February 12, 2020**, after personal service was made on **February 11, 2020** to **Rylynn Poole**, a **SERVICE OF PROCESS TECHNICIAN**, **PERSON AUTHORIZED TO ACCEPT**, who accepted service, with identity confirmed by subject saying yes when named, a white male approx. 35-45 years of age with blonde hair with glasses, I completed service by depositing a true copy of the **SUMMONS; COMPLAINT**, marked with confirmation of date, time, and place of personal service in the United States mail, by first class mail with proper postage attached.

That I addressed the envelope(s) as follows:

**KAISER GYPSUM COMPANY, INC.
c/o CT CORPORATION SYSTEM, REGISTERED AGENT
780 COMMERCIAL ST SE SUITE 100
SALEM, OR 97301-3465**

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

I executed this declaration on February 12, 2020 at Portland, OR.



Declarant Laurice Averill, 1050 SW 6th Ave #1100, Portland, OR 97204. 503-727-3100.



Tracking #: **0049977749 PDX**



IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

**DONALD S. MORRIS, III, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF DONALD S.
MORRIS, JR.**

Plaintiff/Petitioner

vs.

KAISER GYPSUM COMPANY, INC.

Defendant/Respondent

Cause No.: **20CV06649**

Hearing Date:

**DECLARATION OF SERVICE OF
SUMMONS; COMPLAINT FOR DAMAGES**

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a resident of the State of North Carolina, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, has the authority to serve pleadings in the State named below, and is competent to be a witness therein.

On the **25th day of February, 2020 at 1:42 PM** at the address of **2626 GLENWOOD AVENUE, SUITE 550, RALIEGH, Wake, NC 27608**; this declarant served the above described documents upon **KAISER GYPSUM COMPANY, INC. c/o CORPORATION SERVICE COMPANY, REGISTERED AGENT**, by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with **Heather Hughes , RECEPTIONIST , PERSON AUTHORIZED TO ACCEPT, who accepted service, with identity confirmed by subject stating their name, a white female approx. 45-55 years of age, weighing 160-180 lbs with brown hair..**

No information was provided or discovered that indicates that the subjects served are members of the U.S. military.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Date: 02/25/2020



Sherry Duncan
112 Oregon Trail, Garner, NC 27529 919-321-7878

ORIGINAL DECLARATION
OF SERVICE

Tracking #: **0050686007** PDX FIL

REF: **Morris (Kaiser NC)**



IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR MULTNOMAH COUNTY

**DONALD S. MORRIS, III, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF DONALD S.
MORRIS, JR.**

Plaintiff/Petitioner

vs.

KAISER GYPSUM COMPANY, INC.

Defendant/Respondent

Cause No.: **20CV06649**

**DECLARATION OF MAILING OF
SUMMONS; COMPLAINT FOR DAMAGES**

The undersigned hereby declares: that I, Laurice Averill, am a legal resident of the State of Oregon, over the age of 18, and not party to, nor interested in the within entitled action. My business address is 1050 SW 6th Ave #1100, Portland, OR 97204.

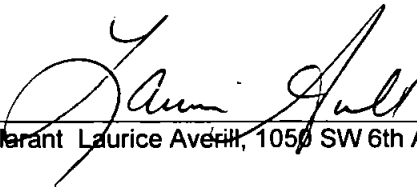
That on **February 25, 2020**, after personal service was made on **February 25, 2020** to **Heather Hughes**, a **RECEPTIONIST, PERSON AUTHORIZED TO ACCEPT**, who accepted service, with identity confirmed by subject stating their name, a white female approx. 45-55 years of age, weighing 160-180 lbs with brown hair, I completed service by depositing a true copy of the **SUMMONS; COMPLAINT FOR DAMAGES**, marked with confirmation of date, time, and place of personal service in the United States mail, by first class mail with proper postage attached.

That I addressed the envelope(s) as follows:

KAISER GYPSUM COMPANY, INC.
c/o CORPORATION SERVICE COMPANY, REGISTERED AGENT
2626 GLENWOOD AVENUE SUITE 550
RALIEGH, NC 27608

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

I executed this declaration on February 25, 2020 at Portland, OR.



Declarant Laurice Averill, 1050 SW 6th Ave #1100, Portland, OR 97204. 503-727-3100.



Tracking #: 0050686005 PDX



**IN THE CURCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY**

DONALD S. MORRIS, III, as Personal
Representative for the Estate of DONALD S.
MORRIS, JR.,

Plaintiff,

vs.

KAISER GYPSUM COMPANY, INC.,

Defendant.

CASE No. 20CV06649

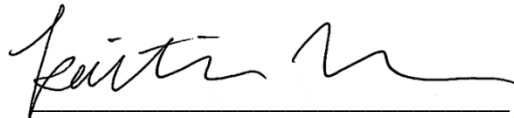
SUMMONS

TO: KAISER GYPSUM COMPANY, INC.
c/o CT Corporation System
780 Commercial St. Ste 100
Salem, OR 97301-3465

NOTICE TO DEFENDANT: READ THESE PAPERS CAREFULLY!

You must “appear” in this case or the other side will win automatically. To “appear” you must file with the court a legal document called a “motion” or “answer.” The “motion” or “answer” must be given to the court clerk or administrator within 30 days along with the required filing fee. It must be in proper form and have proof of service on the plaintiff’s attorney or, if the plaintiff does not have an attorney, proof of service on the plaintiff.

If you have questions, you should see an attorney immediately. If you need help in finding an attorney, you may contact the Oregon State Bar’s Lawyer Referral Service online at <http://www.oregonstatebar.org> or by calling (503) 684-3763 (in the Portland metropolitan area) or toll-free elsewhere in Oregon at (800) 452-7636.



SIGNATURE OF ATTORNEY/
AUTHOR FOR PLAINTIFFS

Kaitlin T. Wright OR Bar # 191259
ATTORNEY’S/AUTHOR’S NAME

SCHROETER, GOLDMARK & BENDER
500 Central Building,
810 Third Avenue Seattle, WA 98104
Phone (206) 622-8000 • Fax (206) 682-2305

SUMMMONS - 1

SCHROETER, GOLDMARK & BENDER
500 Central Building • 810 Third Avenue • Seattle, WA 98104
Phone (206) 622-8000 • Fax (206) 682-2305

STATE OF OREGON, County of Multnomah) ss

I, the undersigned attorney of record for the plaintiff, certify that the foregoing is an exact and complete copy of the original summons in the above-entitled action.



ATTORNEY OF RECORD FOR PLAINTIFFS

TO THE OFFICER OR OTHER PERSON SERVING THIS SUMMONS:

You are hereby directed to serve a true copy of this summons, together with a true copy of the complaint mentioned therein, upon the individual or other legal entity to whom or which this summons is directed, and to make your proof of service on the reverse hereof or upon a separate similar document which you shall attached hereto.



ATTORNEY FOR PLAINTIFFS

Kaitlin T. Wright OR Bar # 191259

ATTORNEY'S/AUTHOR'S NAME
SCHROETER, GOLDMARK & BENDER
500 Central Building,
810 Third Avenue
Seattle, WA 98104
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sgbasbestos@sgb-law.com